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242536

When Recorded Mail To:

City Clerk  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

JUN 28 1996

FREE RECORDING

This instrument is for the benefit  
of the City of Riverside and is  
entitled to be recorded without fee.  
(Government Code §6103)

Recorded in Official Records  
of Riverside County, California

*[Signature]*

Recorder

Fees \$ *[Signature]*

△  
C  
*[Signature]*

FOR RECORDER'S OFFICE USE ONLY

Project: CU-027-667 (REVISED)  
A.P.N. 231-030-005  
231-050-002  
231-070-006 & 009

D - 10080

AVIGATION EASEMENT

WHEREAS CALIFORNIA BAPTIST COLLEGE, a California corporation, who acquired title as CALIFORNIA BAPTIST COLLEGE, a California corporation, CALIFORNIA BAPTIST COLLEGE CORPORATION, a California corporation, and as CALIFORNIA BAPTIST COLLEGE, a corporation, hereinafter called the "Grantor", is the owner in fee of that certain real property situated in the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by this reference, hereinafter called "the Grantor's property"; and

WHEREAS the Grantor's property is located within the Airport Influence Area for the Riverside Municipal Airport operated by the City of Riverside; and

WHEREAS the Grantor has sought approval from the City of Riverside for the development of the Grantor's property by the project above-referenced; and

WHEREAS the City of Riverside has conditioned the approval of such project by requiring the granting of an avigation easement over the Grantor's property;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the CITY OF RIVERSIDE, a municipal corporation of the State of California, hereinafter referred to as "Grantee", its successors and assigns, for the use and benefit of the public, a perpetual easement and right of flight appurtenant to the Riverside Municipal Airport for the passage of aircraft by whomsoever owned and operated in the airspace above the surface of the Grantor's property as described in said Exhibit "A", together with the right to cause in said airspace such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be inherent in the operation of aircraft landing at, taking off from or operating at or on the Riverside Municipal Airport. "Aircraft" is defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air.

Grantor hereby acknowledges that the Riverside Municipal Airport is an operating airport subject to increases in the intensity of use and operation, including present and future noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, and fuel particles and related conditions, and Grantor hereby fully waives, remises and releases any right or cause of action which Grantor may now or in the future have against Grantee, its successors and assigns, due to such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be caused by the operation of aircraft landing at or taking off from, or operating at or on the Riverside Municipal Airport. Said waiver and release shall include, but not be limited to, claims known or unknown for damages for physical or emotional injuries, discomfort, inconvenience, property damage, interference with use and enjoyment of property, diminution of property values, nuisance or inverse condemnation or for injunctive or other extraordinary or equitable relief.

Grantor, on the behalf of Grantor and the successors and assigns of Grantor, agrees

not to construct or permit the construction or growth of any structure, tree or other object that obstructs or interferes with the use of the rights herein granted or that creates electrical interference with radio communication between any installation at the Riverside Municipal Airport and aircraft, or to cause difficulty for pilots to distinguish between airport lights and other lights or to impair visibility in the vicinity of the Riverside Municipal Airport, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said Riverside Municipal Airport.

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the Grantor's property for any lawful purpose below minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.

IT IS UNDERSTOOD AND AGREED that this easement and the rights and restrictions herein created shall run with the land and shall be binding upon the Grantor and the heirs, administrators, executors, successors and assigns of Grantor.

Dated June 4, 1996

CALIFORNIA BAPTIST COLLEGE, a  
California corporation

By 

Title Chairman

By 

Title SECRETARY

242536

## GENERAL ACKNOWLEDGEMENT

State of California }  
 County of Los Angeles } ss

On June 4, 1996, before me Ann Hsu  
 (date) (name)

a Notary Public in and for said State, personally appeared

Richard Kwok Fai Yu

\_\_\_\_\_  
 Name(s) of Signer(s)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*Ann Hsu*  
 Signature

## OPTIONAL SECTION

## CAPACITY CLAIMED BY SIGNER

- ( ) Attorney-in-fact  
 (X) Corporate Officer(s)

Title Secretary

Title \_\_\_\_\_

- ( ) Guardian/Conservator  
 ( ) Individual(s)  
 ( ) Trustee(s)  
 ( ) Other

- ( ) Partner(s)  
 ( ) General  
 ( ) Limited

The party(ies) executing this document is/are representing:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CERTIFICATE OF ACCEPTANCE  
 (Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 6/26/96

CITY OF RIVERSIDE

*[Signature]*

Real Property Services Manager  
 of the City of Riverside

242536

## GENERAL ACKNOWLEDGEMENT

State of California }  
 County of LOS ANGELES } ss

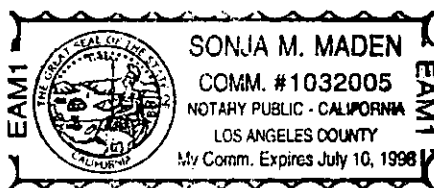
On JUNE 5, 1996, before me SONJA M. MADEN  
 (date) (name)

a Notary Public in and for said State, personally appeared

ELISHA W. McCALL SR.

Name(s) of Signer(s)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Sonja M. Maden  
 Signature

## OPTIONAL SECTION

## CAPACITY CLAIMED BY SIGNED

- ( ) Attorney-in-fact  
 ( ) Corporate Officer(s)

Title \_\_\_\_\_

Title \_\_\_\_\_

- ( ) Guardian/Conservator  
 ( ) Individual(s)  
 ( ) Trustee(s)  
 ( ) Other

- ( ) Partner(s)  
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Dated 6/26/96

CITY OF RIVERSIDE

[Signature]

Real Property Services Manager  
 of the City of Riverside

APPROVED AS TO FORM

Carolyn Confer 6/21/96  
**CAROLYN CONFER**  
 ASSISTANT CITY ATTORNEY

CU27667.AVG

April 10, 1996  
Revised: May 6, 1996

W.O. 9513247-01

**EXHIBIT "A"**

**AVIGATION EASEMENT  
CALIFORNIA BAPTIST COLLEGE  
ZONING CASE CU-027-667 (Revised)**

Parcel 1 of Parcel Map No. 7998, as shown by map on file in Book 30, Pages 12 and 13 of Parcel Maps, Records of Riverside County, California.

TOGETHER WITH Parcel 2 of Parcel Map No. 22970, as shown by map on file in Book 153, Pages 34 and 35 of Parcel Maps, Records of Riverside County, California.

ALSO TOGETHER WITH that portion of Lot 10 in Block 23 of the lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, Page 70 of Maps, Records of San Bernardino County, California, described as follows:

BEGINNING at the most Northerly corner of Parcel 2 of Parcel Map No. 7998, as shown by map on file in Book 30, Pages 12 and 13 of Parcel Maps, records of Riverside County, California;

Thence S.56°00'00"W., 299.05 feet;

Thence S.34°00'00"E., 200.77 feet;

Thence on the Northerly line of Parcel 1 of said Parcel Map No. 7998 S.56°03'00"W, 362.05 feet to the Westerly line of said Lot 10;

Thence N.34°00'00"W to the Northwest corner of said Lot 10;

Thence Northeast on the Northerly line of said Lot 10 to the North corner of said Lot 10;

Thence S.34°00'00"E. on the East on the Easterly line of said Lot 10 to the Point of Beginning.

ALSO TOGETHER WITH that portion of Lot 10 in Block 23 of the lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, Page 70 of Maps, Records of San Bernardino County, California, together with Parcel 2 of Parcel Map No. 7998, as shown by Parcel Map on file in Book 30, Pages 12 and 13 of Parcel Maps, Records of Riverside County, California, described as a whole as follows:

BEGINNING at the North corner of Parcel 2 as shown on Parcel Map No. 7998;

Thence S.56°00'00"W., 299.05 feet;

Thence S.34°00'00"E., 200.77 feet;

Thence N.56°03'00"E., 30.00 feet;

Thence S.34°00'00"E., 133.51 feet;

Thence N.56°00'00"E., 269.05 feet to the Northeast line of Parcel 1 as shown on Record of Survey on file in Book 39, Page 50 of Records of Survey, Riverside County Records;

Thence N.34°00'00"W., 334.31 feet to the Point of Beginning.

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JFD::JFD\$ADM:[LEGAL]LEGAL.JP6;6IYVETTEB

13993

67/1+3  
66/2+4

67/3

*SUBJECT AVIGATION EASEMENT CU-027-667 (Revised)*

13993